

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL KINZEL,

Defendant.

CASE NO. 2:22-cr-00187-LK

ORDER TO SHOW CAUSE

This matter comes before the Court on Andrea R. Gonzales's third-party petition to reclaim seized property. Dkt. No. 78.

On February 7, 2024, the Court entered a preliminary order of forfeiture as to subject property seized on October 25, 2022 and related to criminal charges against Defendant Michael Kinzel. Dkt. No. 64. As part of that order, the Court directed the Government to publish notice of the preliminary order on an official government website for at least 30 days and, to the extent possible, to provide direct written notice to any person known to have alleged an interest in the subject property. *Id.* at 4. The notice was required to state that any third party claiming a legal interest in the subject property "must file a petition with the Court within sixty (60) days of the

1 first day of publication of the notice (which is thirty (30) days from the last day of publication), or
2 within thirty (30) days of receipt of direct written notice, whichever is earlier.” *Id.* If no third-party
3 petition was filed within the allowable time period, the order provided that the “United States shall
4 have clear title to the Subject Property, and th[e] Preliminary Order shall become the Final Order
5 of Forfeiture as provided by Federal Rule of Criminal Procedure 32.2(c)(2)[.]” *Id.*

6 On March 14, 2024, the Government submitted a declaration of publication attesting that
7 it published the notice of forfeiture containing the above-discussed information for at least 30
8 consecutive days, beginning on February 14, 2024 and ending on March 14, 2024. *See generally*
9 Dkt. No. 67. In addition, the preliminary order of forfeiture was made final as to Mr. Kinzel on
10 April 25, 2024. *See* Dkt. No. 76 at 7.

11 Ms. Gonzales’s petition was dated and received on May 22, 2024, more than 60 days after
12 the Government first posted the notice of forfeiture on February 14, 2024. Dkt. No. 78 at 1.
13 Furthermore, Ms. Gonzales states that she is petitioning to “reclaim property that has been seized
14 on October 25th[,] 2022,” but does not specify what property she seeks to reclaim. *Id.* Accordingly,
15 the Court ORDERS Ms. Gonzales to SHOW CAUSE within 30 days of the date of this Order why
16 the Court should not deny her petition as untimely and/or for failure to specify the property she is
17 seeking to reclaim. *See* 21 U.S.C. § 853(n)(2)–(3); Fed. R. Crim. P. 32.2(c)(2); *cf. United States v.*
18 *Alvarez*, No. 1:18-CR-00213-DAD-BAM, 2021 WL 4033244, at *2 n.2 (E.D. Cal. Sept. 3, 2021).
19 The Government may file an optional response within 7 days thereafter. If Ms. Gonzales fails to
20 timely and adequately respond to this Order, the Court may dismiss her petition.

21 Dated this 4th day of June, 2024.

22 

23 Lauren King
24 United States District Judge